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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,159	10/31/2003	Daniel C. Conrad	US20010201	1600

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WHIRLPOOL PATENTS COMPANY - MD 0750
Suite 102
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EXAMINER

KHAN, AMINA S

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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04/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/699,159	Applicant(s) CONRAD ET AL.	
	Examiner AMINA KHAN	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 79-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 79-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicant's arguments filed on March 10, 2008.
2. Claims 1-13 and 79-95 are pending. Claims 14-78 have been cancelled.
3. Claims 1,2,5,6,8-11,79-89,92 and 93 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 2002/0056164) in view of Radomyselski et al. (US 2005/0000897) for the reasons set forth in the previous office action.
4. Claim 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 2002/0056164) in view of Radomyselski et al. (US 2005/0000897) and further in view of Radomyselski et al. (US 2003/0226214) for the reasons set forth in the previous office action.
5. Claims 3,4,12,13,94 and 95 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 2002/0056164) in view of Radomyselski et al. (US 2005/0000897) and further in view of Berndt et al. (US 6,086,635) for the reasons set forth in the previous office action.
6. Claims 90 and 91 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 2002/0056164) in view of Radomyselski et al. (US 2005/0000897)

and further in view of Hallman (US 2003/0196277) for the reasons set forth in the previous office action.

Response to Arguments

7. Applicant's arguments filed regarding Estes in view of Radomyselski '897 and further in view of Hallman (US 2003/0196277) have been fully considered but they are not persuasive. The applicant's declaration Under 37 C.F.R 1.131 filed March 10, 2008 is not sufficient to overcome the rejections of record. The applicant has not accounted for the entire period during which diligence is required. The MPEP 2138.06 recited that a statement showing that the subject matter "was diligently reduced to practice" and stating that there were no weeks or months that the invention was not worked on is not enough and that even a 2-day period lacking activity may be fatal. Applicant shows data for sporadic dates between conception and reduction to practice and has not accounted for the entire period.

8. Applicant's arguments filed regarding Estes in view of Radomyselski '897 and Radomyselski '214 have been fully considered but they are not persuasive. Applicant argues that there is no indication to combine the surfactants of Radomyselski '214 with the filters of Radomyselski '897. the examiner respectfully disagrees because Radomyselski '897 clearly teaches common contaminants which enter the dry cleaning solvent during laundering include cationic, nonionic, anionic and zwitterionic surfactants, which covers all categories of surfactants which would need to be removed by the

crossflow filtration means of the reference (paragraph 0047-0048). Furthermore, Radomyselski '214 teaches the use of Neodol® surfactants, which have HLB's in the range of 8-15, as conventional components in dry cleaning operations (page 10, paragraph 0140).

9. Applicant's arguments filed regarding Estes in view of Radomyselski '897 and Radomyselski '214 and further in view of Berndt et al. (US 6,086,635) have been fully considered but they are not persuasive. The applicant argues that the spin disc filters of Berndt are different than those of applicant and would not achieve the same results. Applicants' arguments are conclusory statements not supported by factual evidence, see *In re Lindner*, 457 F.2d 506, 173 USPQ 356 (CCPA 1972). Berndt et al. clearly teach contacting spin disc the filters with condensed vapors prior to separation (column 4, lines 15-28 and lines 40-47).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMINA KHAN whose telephone number is (571)272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amina Khan/
Examiner, Art Unit 1796

/Lorna M Douyon/
Primary Examiner, Art Unit 1796